

IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.31120 of 2008
NIKESH KUMAR
Versus
STATE OF BIHAR

2. 4/8/2008 Heard Mr. Shivendra Prasad, learned counsel for the petitioner and Mr. C. Jawahar, learned A.P.P. for the State.

Petitioner has been made accused in a case under Sections 461 and 379 of the Indian Penal Code.

Learned counsel for the petitioner submits that earlier the petitioner was enlarged on bail by learned court below. It is further submitted that his bail bond was cancelled on 12.10.2004 as he did not turn up during framing of charge on earlier few occasions. Ultimately, according to him, the petitioner surrendered on 31st of July, 2007 and since then he is in custody. He further submits that now charges have been framed on 7.1.2008 but no prosecution witnesses could be examined thereafter. His prayer is that since there has been much atonement already on the part of the petitioner as he has remained in jail for about more than one year, he may be enlarged on bail.

Learned counsel for the State submits that some condition must be imposed upon the petitioner so that trial could not be hampered.

In the facts and circumstances of the case, the petitioner Nikesh Kumar is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two

sureties of the like amount each to the satisfaction of Shri S.K. Shukla, Judicial Magistrate, 1st Class, Gaya, in connection with Kotwali P.S. Case No. 339 of 2008 (Tr. No. 1895 of 2007) with the condition that the petitioner shall co-operate in the trial and shall be present on each and every date. He will never absent himself during course of trial without permission granted by the trial court, in accordance with law.

S.Ali

(Dr. Ravi Ranjan, J.)

